

EXHIBIT 1

**EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

Spottswood W. Robinson III, and Robert R. Mehrige Jr.
Federal Courthouse, 701 East Broad Street Richmond, Virginia 23219

**RONALD MAYBISH, individually, and
as next friend of K.M., a minor child,**

Plaintiffs,

v.

Civil Action No. 3:22_cv-00597-MHL

PUTZE'S MOBILE HOME PARK

PEGGY PUTZE,

Defendants.

**ADDENDUM TO MEMORANDUM
IN SUPPORT OF SUMMARY JUDGMENT**

The defendants, Putze's Mobile Home Park and Peggy Putze ("the defendants"), by counsel, set forth the following in support of her motion for summary judgment.

MATERIAL FACTS NOT IN DISPUTE

1. Peggy Putze never made any wrongful statement to K.M.¹

- See Deposition by KM, that she was subjected to wrongful statements, but never by Peggy Putze. (Dep. KM pp. 9-10) She testified that she got along with Peggy Putze and never had any problems with Peggy Putze. (Id. 16) She testified that she and Peggy Putze liked each other (Id. 17) in his deposition,
- See Ronald Maybush's deposition in which he admitted that he never complained to Peggy Putze about race discrimination until after she sent a termination notice. (Maybush Dep, pp. 20, 27, 28)
- See Peggy Putze's declaration in which she said she never said anything wrong to K. M.. (Putze Dep. p. 1 and *passim*) There has been no evidence of race discrimination by Peggy Putze personally.

¹ The complaint and amended complaint pled that she did.

- There is nothing in the record of this case (other than the averments in the complaint and amended complaint) that support the plaintiffs' claims that Peggy Putze herself engaged in any racial discrimination. (passim)
- 2. **The claims of discriminatory actions by Raymond Putze and Kim Hepler ("Hepler") were not within any scope of employment by either of them**
 - The deposition of KM included the following:
 - Q. The times they were calling you these names, what was going on? Where were you and where were they? What were they doing and what were you doing?
 - A. So it mainly happened when-- at the bus stop where I lived or when I was playing with them.
-- KM Dep. p. 8.
 - The deposition of Maybush included the following:
 - Q. Do you remember what your granddaughter said about what was going on when racial remarks were made to her?
 - A. Yes.
 - Q. Do you remember that when your granddaughter said that this happened either when she was getting on the bus or when she was playing with the people who made such a remark?:
A. Yes.
- There was no evidence that Kepler or Raymond Putze racially discriminated as to this case during any scope of employment or agency with the Putze business.

Respectfully submitted,

**PUTZE'S TRAILER PARK
and PEGGY PUTZE,**

By /s/ Henry W. McLaughlin
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